

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENNY FRANCOIS,

Defendant.

CR 16-71-BLG-SPW-TJC-3

**FINDINGS AND  
RECOMMENDATION OF  
U.S. MAGISTRATE JUDGE**

The Defendant, by consent, appeared before me under Fed. R. Crim. P. 11 and entered a plea of guilty to Counts I and II of the Indictment, which charges the crimes of conspiracy to possess with intent to distribute oxycodone, in violation of 21 U.S.C. § 846, and possession with intent to distribute oxycodone, in violation of 21 U.S.C. § 841(a)(1).

After examining the Defendant under oath, the Court determined:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offenses charged against her;

2. That the Defendant is aware of the nature of the charges against her and the consequences of pleading guilty to the charge;

3. That the Defendant fully understands her pertinent constitutional rights and the extent to which she is waiving those rights by pleading guilty to the criminal offenses charged against her; and

4. That her plea of guilty to the criminal offenses charged against her is knowingly and voluntarily entered, and is supported by independent factual grounds sufficient to prove each of the essential elements of the offenses charged.

The Court further notes that Defendant entered the guilty plea without a written plea agreement, and counsel represented that no plea agreement offers were made which were more favorable than her plea to the Indictment.

Therefore, I recommend that the Defendant be adjudged guilty of the charges in the Indictment and that sentence be imposed.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days after the filing of the Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 5th day of September, 2017.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge